

News Release

U.S. Department of Justice

*United States Attorney
Northern District of Ohio*

For Release:

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William J. Edwards, Acting United States Attorney for the Northern District of Ohio, announced today that, on April 14, 2008, Michael J. Simone of Willoughby, Ohio, was sentenced to imprisonment for a period of nearly six years following his entry of guilty to two counts of Mail Fraud in January of this year. United States District Court Judge James S. Gwin imposed a sentence of 70 months in prison, followed by three years of supervised release. The sentence was ordered to run consecutively to a three-and-one-half year sentence Simone received in Lake County in December for fraudulently passing bad checks. Judge Gwin also ordered Simone to pay restitution to American Express in the amount of \$1.2 Million.

The indictment charged that between April and July 2007, Michael J. Simone devised a scheme to defraud American Express by fraudulently obtaining a business credit card in the name of his company, Avion Productions, by providing American Express with false and fraudulent financial information regarding Avion Productions. Simone used the fraudulently acquired card to purchase merchandise and services amounting to over \$1 million, for which charges Simone never intended to pay. He also mailed "bad" checks to American Express as payments on the account.

At sentencing the government advised the court that Simone had been involved in several

federal bank fraud matters during 1999 to 2001 for which he was never indicted. He was, however, convicted of passing bad checks as charged in three separate indictments in Cuyahoga County during that time period.

The Lake County charges, filed in June of 2007, involved Simone obtaining credit cards, using them to purchase items, and then using “bad” checks to make payments. He pleaded guilty to those charges in October of 2007. On November 15, 2007, Simone was arrested by the United States Postal Inspectors on a complaint involving the federal mail fraud charges which were later contained in the federal indictment and has been in custody since that time.

The case was being prosecuted by Assistant United States Attorney James C. Lynch, following an investigation by the U.S. Postal Inspection Service, Cleveland, Ohio.

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